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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,680	06/29/2001	Brad A. Armstrong	29	8703

7590

01/08/2004

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EXAMINER

ENATSKY, AARON L

ART UNIT PAPER NUMBER

3713

DATE MAILED: 01/08/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

CS

Interview Summary	Application No.		Applicant(s)	
	09/896,680		ARMSTRONG, BRAD A.	
	Examiner		Art Unit	
	Aaron L Enatsky		3713	

All participants (applicant, applicant's representative, PTO personnel):

(1) Aaron L Enatsky. (3) _____.

(2) Brad Armstrong. (4) _____.

Date of Interview: 07 January 2004.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.
If Yes, brief description: _____.

Claim(s) discussed: _____.

Identification of prior art discussed: JP 5-78860 to Furukawa and JP 7-302159 to Terajima et al.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

J. Malberg
Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant called to discuss procedural issues regarding the Applicant's notification from the USPTO about the withdrawal from issue of the instant application. Applicant stated that the Examiner cited that prosecution on the merits of this application was reopened because of newly discovered references. Applicant pointed Examiner to an IDS received on 1/8/02 citing that the prior art relied on was in fact, already of record. Applicant further cited that MPEP 706.04 states that an application can be withdrawn if there is a clear error in the previous action or knowledge of other prior art. Applicant emphasized that he believes that when Examiner cited new prior art as a reason to reopen prosecution, the Examiner was in error. Examiner agrees that the prior art is not "new prior art". Examiner also stated that while the reason may have been incorrect, the fact remains that "other art" of record in the rejection is still applicable and the current rejection is still proper. Applicant also wished to point out that he did not believe that the Examiner and the USPTO exercised great care as required in the MPEP 706.04 and in Ex parte Hay, 1909 C.D. 18, 139 O.G. 197 (Comm'r Pat. 1909). Examiner and Applicant has set up a further interview for 1/14/04 to discuss the merits of the instant application.